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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,041	03/02/2000	Dean F Jérding		4646

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SCIENTIFIC-ATLANTA, INC.  
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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/518,041	<b>Applicant(s)</b> JERDING ET AL.	
	<b>Examiner</b> Michael Van Handel	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/25/05
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 68-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 68-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Response to Amendment*

1. This action is responsive to an Amendment filed 7/25/2005. Claims **1-18** and **68-78** are pending. Claims **1-18, 68-78** are amended. Claims **19-67** are canceled. The examiner hereby withdraws the objection to claim **68** in light of the amendment.

### *Response to Arguments*

2. Applicant's arguments filed 7/25/2005 with respect to claims **1-18** have been fully considered, but they are not persuasive.
3. Applicant's arguments filed 7/25/2005 with respect to claims **68-78** have been fully considered, but are considered moot in view of the new grounds of the rejection.

Regarding the applicant's argument that Lemmons et al. does not disclose or suggest the feature of "the selected initial guide arrangement being a default each time the interactive program guide is activated," the examiner notes that Lemmons et al. discloses operational parameters that define a default selection criterion that appears in the active selection criterion cell 208 when the Program Search display mode is invoked (col. 14, l. 28-43)(Fig. 7). The examiner acknowledges the use of a quickmenu to navigate to the Program Search display mode, but notes that menu choices do not necessarily have to be made through the quickmenu (col. 13, l. 25-35, 46-50)(col. 9, l. 44-53). The examiner further notes that the use of the quickmenu in accessing the Program Search display mode does not preclude Lemmons et al. from teaching the claim. When a user initiates the Program Search display mode, a first selection indication 208 denotes one of a plurality of initial guide arrangements as a selected guide arrangement (col. 14, l. 30-43)(Fig. 7). Despite the fact that the user does not necessarily arrive at the Program Search

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mode instantaneously upon initiating the interactive program guide, the examiner notes that this selected guide arrangement is stored in the operational parameters in the memory 76 of the STT (col. 14, l. 28-43). Thus, the initial guide arrangement of the Program Search mode is the stored default each time the interactive program guide is activated.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **1-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Lemmons et al.

Referring to claim **1**, Lemmons et al. discloses a television set-top terminal 70 (Fig. 1) for enabling a user to navigate to an individual television service (col. 6, l. 1-6), the STT coupled to a programmable television services server device 54 (Fig. 1), said STT comprising: memory for storing data 76 (Fig. 2) and an interactive program guide (Fig. 4) contained in said memory (col. 7, l. 28-39) for displaying program information received by said STT from said server device (col. 6, l. 58-60). Further disclosed is that the program information corresponds to a plurality of current and future programs (col. 7, l. 39-41)(Fig. 3). Lemmons et al. also discloses a plurality of guide arrangements corresponding to respective display-orderings of the program information (col. 10, l. 8-24)(col. 14, l. 11-50)(col. 15, l. 10-40), each arrangement ordering display program information based on at least one program parameter, such as theme, time, channel, or alphabetically by name. This reads on the claimed ordering of the program information in each

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guide arrangement being different than the other guide arrangements. Further disclosed is a processor 74 configured to display simultaneously in each guide arrangement (Fig. 3) only programs that adhere to the search selection criteria and sort attributes selected by the user (col. 13, l. 37-59). Further, only a specific time period is displayed and a user may scroll in the EPG to display other time periods (col. 10, l. 48-51). This reads on the claimed displaying only a respective portion of the corresponding ordered program information. Further disclosed is configuration information contained in memory, comprising a plurality of respective initial guide arrangements corresponding to the plurality of arrangements (col. 14, l. 22-25). Search and sort selection criteria are saved and applied to the EPG (col. 14, l. 28-50)(col. 15, l. 18-19). When a user initiates the Program Search display mode, a first selection indication 208 denotes one of a plurality of initial guide arrangements as a selected guide arrangement (col. 14, l. 30-43)(Fig. 7). Despite the fact that the user does not necessarily arrive at the Program Search mode instantaneously upon initiating the interactive program guide, the examiner notes that this selected guide arrangement is stored in the operational parameters in the memory 76 of the STT (col. 14, l. 28-43). Thus, the initial guide arrangement of the Program Search mode is the stored default each time the interactive program guide is activated. The selection criteria can be changed and are automatically applied to the program schedule to present a listing of program schedule information meeting the selection criteria as stated above. This reads on the claimed initial respective portion of the corresponding ordered program information in the initial guide arrangement (EPG listings displayed to the user) being configured according to a user selection (selection criteria). Lemmons et al. further discloses that upon invocation of the EPG (col. 9, l. 19-20), the system determines the specified selection criteria and displays schedule listings

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automatically that match (col. 24, l. 40-49). This reads on the claimed processor being further configured to cause the STT to initially display the program information according to the selected guide arrangement and the initial respective portion of the corresponding ordered program information (time window as stated above). The processor is responsive to a first user input corresponding to an initiation of a display session of the EPG (col. 9, l. 19-20)(col. 23, l. 40-44) and the configuration information as stated above.

Referring to claim 2, Lemmons et al. discloses a system as stated above in claim 1, wherein a first portion of the ordered program information displayed at a first time of displaying the selected initial guide arrangement (Fig. 6) corresponds to programs accessible at the first time (currently airing).

Referring to claim 3, Lemmons et al. discloses a system as stated above in claim 2, wherein a second portion of the ordered program information displayed at the first time of displaying the selected initial guide arrangement (Fig. 6) corresponds to programs exclusively accessible at a future time from the first time (programs airing later).

Referring to claim 4, Lemmons et al. discloses a system as stated above in claim 1, wherein programming may be displayed only if it matches specific criteria (movie, drama, action, sci-fi, comedy, etc.) as stated above. This reads on the claimed ordered program information displayed at the time of displaying the selected initial guide arrangement corresponds exclusively to a first type of programming.

Referring to claim 5, Lemmons et al. discloses a system as stated above in claim 2, wherein the user is able to specify their search criteria in a previous display mode and then instantiate the EPG screen (col. 23, l. 40-44) which will display the selected search as stated

above. This reads on the claimed initial respective portion of the corresponding ordered program information in the selected initial guide arrangement is according to a user selection in a previous display session of the interactive program guide (search/selection session of the EPG).

Referring to claim 6, Lemmons et al. discloses a system as stated above in claim 1, wherein the user is able to select search criteria (selected initial guide arrangement) in a display mode prior to calling up the EPG as stated above in claim 5. This reads on the claimed selected initial guide arrangement corresponding to the guide arrangement in the last displayed session of the interactive program guide.

Referring to claim 7, Lemmons et al. discloses a system as stated above in claim 4, wherein the ordered program information is according to the respective start times and channel numbers of the corresponding programs (Fig. 3).

Referring to claim 8, Lemmons et al. discloses a system as stated above in claim 7, wherein the first type of programming corresponds to movies (col. 14, l. 26).

Referring to claim 9, Lemmons et al. discloses a system as stated above in claim 1, wherein the ordering of the program information is according to the respective channel numbers providing the programs (Fig. 3).

Referring to claim 10, Lemmons et al. discloses a system as stated above in claim 9, wherein the processor is further responsive to a subsequent user input (col. 13, l. 25-28) to overlay a list on a portion of the selected initial guide arrangement corresponding to a visual ordering of at least one respective program parameter (Fig. 7), the list comprising at least one of the plurality of initial guide arrangements 208, 210, 212, wherein the processor provides a

selectable option for the at least one of the plurality of initial guide arrangements (col. 13, l. 28-31).

Referring to claim **11**, Lemmons et al. discloses a system as stated above in claim 1, wherein the ordering of program information is according to the respective start time of the programs (Fig. 3).

Referring to claim **12**, Lemmons et al. discloses a system as stated above in claim 11, wherein the ordering of program information is according to the respective theme of corresponding programs (movie, drama, action, sci-fi, comedy, etc.)(col. 14, l. 25-28).

Referring to claim **13**, Lemmons et al. discloses a system as stated above in claim 11, wherein the ordering of the program information is according to the title of corresponding programs (alphabetically)(col. 15, l. 28).

Referring to claim **14**, Lemmons et al. discloses a system as stated above in claim 8, wherein the first portion of the ordered program information displayed corresponds to purchasable movies (Pay Per View)(col. 14, l. 25-28).

Referring to claim **15**, Lemmons et al. discloses a system as stated above in claim 1, wherein the ordering of program information corresponds to a two-dimensional ordering based on at least two program parameters (time and channel)(Fig. 3).

Referring to claim **16**, Lemmons et al. discloses a system as stated above in claim 1, wherein a default guide arrangement is provided (col. 14, l. 28-43), but, as stated above, a user may define their own selection criteria. This reads on the claimed initial respective portion of the corresponding ordered program information arrangement configured according to the user selection in the selected initial guide is different than a default initial portion of the arrangement.



Referring to claim 17, Lemmons et al. discloses a system as stated above in claim 16, wherein the configuration information contained in the memory includes stored user preferences as stated above. Lemmons et al. further discloses that EPG data is received from the server and stored as stated above. This reads on the claimed configuration information contained in memory being different than the interactive program guide contained in the memory.

Referring to claim 18, Lemmons et al. discloses a system as stated above in claim 17, wherein upon user invocation of the program guide, a series of tests are performed to determine how the control unit will present the schedule information (col. 23, l. 45-52). This reads on the claimed STT that, responsive to the first user input (pressing the Guide button), initiates a configuration module different than the interactive program guide (series of tests) prior to initiating the interactive program guide (presenting the schedule information).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **68-78** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al. in view of Cobbley et al.

Referring to claim **68**, see claim 1 above. Lemmons et al. further discloses that the terminal's processor is operable to provide a user option to select one of the plurality of initial guide arrangements as stated above. Further disclosed is that the processor is responsive to a first user input (pressing the Guide button) corresponding to an initiation of a display session of the interactive program guide. The processor is further configured to receive a second input (viewer selection criteria), which corresponds to a user-selected initial guide arrangement, enabling user navigation in the initiated display session of the interactive program guide (col. 14, l. 44-64). Lemmons et al. does not disclose that the user-selected initial guide arrangement is a default initial view each time the interactive program guide is activated. Cobbley et al. discloses a method and apparatus for providing broadcast information ordered in accordance with a personalized profile. The profile is utilized to re-order the broadcast information according to subject areas or keywords that best match the user's individual profile (col. 11, l. 52-67)(col. 12, l. 1-45)(col. 15, l. 42-46). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Lemmons et al. to include a profile such as that taught by Cobbley et al. in order to provide an interactive program guide that allows viewers to apply sort and search attributes to a list of broadcast information (Lemmons et al. col. 2, l. 56-60).

Referring to claims **69** and **70**, the combination of Lemmons et al. and Cobbley et al. teaches a system as stated above in claim 68, wherein responsive to receiving the second user input, the processor causes the STT to display ordered program information in the user-selected initial guide arrangement (col. 14, l. 44-64).

Referring to claim **71**, see claim 7 above.

Referring to claim **72**, see claim 9 above.

Referring to claims **73-75**, see claims 11-13 above, respectively.

Referring to claim **76**, see claim 4 above.

Referring to claim **77**, see claim 8 above.

Referring to claim **78**, see claim 14 above.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel  
Examiner  
Art Unit 2617

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